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**American Medical Response of Connecticut, Inc. and
Adam Cummings and Shannon Smith.** Cases 34–
CA–013051 and 34–CA–065800

September 26, 2014

DECISION AND ORDER

BY CHAIRMAN PEARCE AND MEMBERS HIROZAWA
AND SCHIFFER

On June 28, 2013, the Board issued a Decision and Order in this proceeding, which is reported at 359 NLRB No. 144. Thereafter, the Respondent filed a petition for review in the United States Court of Appeals for the District of Columbia Circuit.

At the time of the Decision and Order, the composition of the Board included two persons whose appointments to the Board had been challenged as constitutionally infirm. On June 26, 2014, the United States Supreme Court issued its decision in *NLRB v. Noel Canning*, 134 S.Ct. 2550 (2014), holding that the challenged appointments to the Board were not valid. Thereafter, the court of appeals granted the General Counsel’s motion to dismiss the case because the Board had vacated the Decision and Order. The court also issued a mandate returning the case to the Board.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

In view of the decision of the Supreme Court in *NLRB v. Noel Canning*, supra, we have considered de novo the judge’s decision and the record in light of the exceptions and briefs. We have also considered the now-vacated Decision and Order, and we agree with the rationale set forth therein.¹

¹ In finding that the Respondent’s change to the start-of-shift procedures was material, substantial, and significant, we do not rely on *Pratt Industries*, 358 NLRB No. 52, slip op. at 9 (2012), cited in the vacated decision.

Accordingly, we affirm the judge’s rulings, findings, and conclusions and adopt the judge’s recommended Order to the extent and for the reasons stated in the Decision and Order reported at 359 NLRB No. 144, which is incorporated herein by reference.²

Dated, Washington, D.C. September 26, 2014

Mark Gaston Pearce, Chairman

Kent Y. Hirozawa, Member

Nancy Schiffer, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

APPENDIX

NOTICE TO EMPLOYEES

POSTED BY ORDER OF THE

NATIONAL LABOR RELATIONS BOARD

An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT change your terms and conditions of employment without first notifying your collective-bargaining representative and giving it an opportunity to bargain.

WE WILL NOT warn you or otherwise discipline you pursuant to a change in your terms and conditions of employment without first notifying the Union and giving it an opportunity to bargain.

² In affirming the tax compensation and Social Security Administration reporting remedies, we rely on *Don Chavas, LLC d/b/a Tortillas Don Chavas*, 361 NLRB No. 10 (2014). We shall substitute a new notice to conform to the Board’s standard language and in accordance with *Durham School Services*, 360 NLRB No. 85 (2014).

WE WILL NOT discharge or otherwise discriminate against any of you for engaging in protected activity as a union steward or for engaging in any other protected concerted activities.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL rescind the changes in the terms and conditions of employment for our unit employees that were unilaterally implemented on April 8, 2011.

WE WILL, within 14 days from the date of the Board's Order, remove from our files any reference to the unlawful warnings issued to unit employees pursuant to the change in your terms and conditions of employment, and WE WILL, within 3 days thereafter, notify those employees in writing that this has been done and that the warnings will not be used against them in any way.

WE WILL, before implementing any changes in wages, hours, or other terms and conditions of employment of unit employees, notify and, on request, bargain with the exclusive collective-bargaining representative of our employees in the following bargaining unit:

All full-time and regular part-time emergency medical technicians (EMTs) and paramedics employed by us at or out of our West Hartford, Enfield, Putnam, and Rockville, Connecticut facilities.

WE WILL, within 14 days from the date of the Board's Order, offer Adam Cummings full reinstatement to his former job or, if that job no longer exists, to a substantially equivalent position, without prejudice to his seniority or any other rights or privileges previously enjoyed.

WE WILL make Adam Cummings whole for any loss of earnings and other benefits resulting from his discharge, less any net interim earnings, plus interest.

WE WILL compensate Adam Cummings for the adverse tax consequences, if any, of receiving a lump-sum backpay award, and WE WILL file a report with the Social Security Administration allocating the backpay award to the appropriate calendar quarters.

WE WILL, within 14 days from the date of the Board's Order, remove from our files any reference to the unlawful discharge of Adam Cummings, and WE WILL, within 3 days thereafter, notify him in writing that this has been done and that the discharge will not be used against him in any way.

AMERICAN MEDICAL RESPONSE OF
CONNECTICUT, INC.

The Board's decision can be found at www.nlrb.gov/case/34-CA-013051 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.

